UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,656	10/17/2003	Warren V. Barkley	30835/301726	1226

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EXAMINER
JUNG, DAVID YIUK

ART UNIT	PAPER NUMBER
2134	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	10/688,656	BARKLEY ET AL.
	Examiner	**Art Unit**	
	David Y. Jung	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _1-11 and 21-31_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _1-11 and 21-31_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _file_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-11, 21-31 are presented.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant has argued regarding "the second" and "the third" elements of claim 1. Applicant has argued that the prior art of the previous Office action do not teach these elements. Applicant has provided no other arguments. At this point, all claims 1-11, 21-31 seem to stand or fall together.

As noted in the arguments and in the specification, the claimed invention is directed to NLA feature. This feature seems to be the Network Location Awareness feature that was well-publicized with the arrival in Windows Vista. At least two of the inventors (Mr. Barkley, Mr. Vivek) are often mentioned together with the Network Location Awareness. The NLA works by gathering pieces of information. From the pieces, the confidence that there is no mistake or masquerading as to the apparent network entity is calculated in accordance with predetermined procedures.

Even assuming that NLA situation must be considered, one must find that the second element of claim 1 was met by Reid. Reid points to a region. A network is an obvious variant of a region. Indeed, all regions can be read as a network or networks or

at least a sub-network. Networks and sub-networks themselves can each be a network.

Thus, Applicant is not persuasive regarding the second element.

Applicant is more persuasive regarding the third element.

CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1-11, 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Reid (cited by Applicant, US Patent 6,182,226) and Tachibana (cited by Applicant,

US Patent 6,480,963) and LABUSCHAGNE ET AL (cited by Applicant, "The Use of

Real-Time Risk Analysis to Enable Dynamic Activation of Countermeasures"

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vol. 17, no. 4, 1998, pages 347-357).

Regarding claim 1, Reid teaches "A computer-readable medium having thereon

computer-executable instructions for performing a method comprising: establishing at

least one connection to at least one computer network; issuing an issued network

identifier for at least one computer network of said at least one computer network; and

determining an [ ] for each issued network identifier with respect to at least one current

computer network (column 1, lines 57 to column 2, line 27, column 4, line 47 to column 5, line 25, column 16, line 20 to column 17, line 50)."

These passages of Reid are not explicit about "identity confidence" in the sense of the claim. Instead, Reid teaches "regions" caused by firewalls.

Even if Reid is not explicit about "identify confidence", Tachibana teaches such "confidence level (abstract, figure 2, 7-10, column 2, line 50 to column 3, line 25, column 7, line 6 to column 10, line 21)" for the motivation of security (abstract). See, for example, the confidentiality levels used in confidentiality level table 15b of figure 2. Confidence levels are used to determine different actions. One may suspect that confidence levels are highly driven by the issue of identity confidence (that of the level of confidence of the network entity being misidentified through mistake or an intentional masquerade).

Labuschange explicitly teaches the situation of masquerade (which would in turn make the identify confidence obvious) at page 351, section 2.2.1 source and destination ports, the last two paragraphs. Note the discussion of a simulation of Email by hacker. Thus, the problem of identity confidence is noted. While Labuschange does teach more than mere identity confidence, Labuschange does teach the identity confidence. Labuschange teaches this situation to be assigned a risk level depending on the likelihood of this masquerade happening for the motivation of security.

When Reid is combined with Labuschange, an application of Labuschange's identity confidence is combined with Reid's handling of networks.

Hence, it would have been obvious to those of ordinary skill in the art at the time

of the claimed invention to combine the teachings of Reid and Tachibana for the

motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2-4 (request handlings.), see abstract of Tachibana which

discusses reception and transmission – which can be considered to be requests.

[Regarding claim 5 (global ID, etc.), claims 6-8 (confidence modifiers, etc.), see figures

2, 7-10 which shows the global management of access levels that are related to

confidence levels. Regarding claim 9, 11 (active network attribute handling) and claims

10, 11 (passive network attribute handling) note that Reid teaches "regions" separated

by different network attributes -- column 16, line 20 to column 17, line 50.

Claims 21-31 are system analogs of claims 1-11. For the reasons noted in the

rejections of claims 1-11, these claims 21-31 are not patentable.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's

disclosure. The art disclosed general background.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or

"DRAFT")

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Jung whose telephone number is (571) 272-3836

or Kambiz Zand whose telephone number is (272) 272-3811.

David Jung

Patent Examiner

12/6/07